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7 Attorneys for
8 Defendant CARLOS GUERRERO
9 (Erroneously Identified as Carlos Guerrera)

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 DURIEL DAVIS,

13 Plaintiff,

14 v.

15 ADVANCE SERVICES, INC., a corporation;
16 ARCHER-DANIELS- MIDLAND CO., a
17 corporation; ARCHER DANIELS MIDLAND
18 COMPANY; ADM RICE, INC., a corporation;
19 ADM MILLING COMPANY, a corporation;
20 RUSH PERSONNEL SERVICES, INC., a
21 corporation; JOHNNY BARNETT, an
22 individual; JANETTE ESCALANTE, an
23 individual; MATTHEW HOUSE, an individual;
24 OMAR ROSALES, an individual; CARLOS
25 GUERRERA, an individual; and DOES 1
26 through 100 inclusive,

27 Defendants.

Case No. 2:22-cv-00343-MCE-JDP

**STIPULATION AND ORDER TO
EXTEND DEADLINE FOR DEFENDANT
CARLOS GUERRERO TO RESPOND TO
THE COMPLAINT**

Action Filed: 02/22/2022
Trial Date: TBD

STIPULATION

Pursuant to Rules 143 and 144 of the Local Rules of this Court, Plaintiff Duriel Davis (“Plaintiff”) and Defendant Carlos Guerrero (who clarifies that his last name was incorrectly spelled Guerrero in the Complaint and accompanying papers), by and through their undersigned counsel hereby Stipulate and agree as follows:

WHEREAS Plaintiff commenced this action on February 22, 2022, via the filing of the Complaint in this matter;

WHEREAS Plaintiff diligently pursued service of the Complaint and Summons on the multiple defendants identified in the Complaint;

WHEREAS, on or about August 23, 2022, Plaintiff’s process service attempted substitute service of the Complaint and Summons to Defendant Guerrero by delivering copies to an employee at the business office of the production facility where Guerrero works, and thereafter mailing copies to the same address;

WHEREAS, Plaintiff filed a Proof of Service with the Court on October 7, 2022, describing said attempted service;

WHEREAS, Defendant Guerrero contends the service was ineffective and asserts objections to the Proof of Service;

WHEREAS, notwithstanding said contentions and objections, Defendant Guerrero desires to minimize the expense and avoid unnecessary motion practice and procedure, and in lieu of raising such objections will instead appear, participate and defend the allegations alleged in the Complaint;

WHEREAS, separately, the Parties in the action (including other parties to this Stipulation) are discussing potential early resolution of this matter;

WHEREAS, Plaintiff has already stipulated to extend the responsive pleading deadline for the ADM Defendants to February 10, 2023 (and said stipulation is currently pending before the Court);

WHEREAS good cause to extend the time period for Defendant Guerrero to respond to the Complaint exists, in that it is in the interest of all Parties and the Court for the Parties to

1 investigate and pursue informal resolution prior to resorting to protracted litigation, and Plaintiff
2 has already agreed to the same extension for other related defendants (the ADM defendants) and
3 will not suffer any prejudice as a result of extending Defendant Guerrero's time accordingly;

4 NOW, THEREFORE, it is hereby stipulated and agreed, by and through the Parties'
5 respective counsel, that Defendant Guerrero shall have until February 10, 2023, to answer or
6 otherwise respond to the Complaint.

7 DATED: October 31, 2022

Respectfully submitted,

8 APARICIO LAW FIRM

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10 By: /s/ Michael A. Aparicio

Michael A. Aparicio

11 Attorneys for Defendant CARLOS GUERRERO

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13 DATED: October 24, 2022

MASTAGNI HOLSTEDT, A.P.C.

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15 By: /s/ Grant A. Winter (as authorized on 10/24/22)

Grant A. Winter

16 Attorneys for Plaintiff DURIEL DAVIS
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ORDER

The above Stipulation between the Plaintiff Duriel Davis and Defendant Carlos Guerrero, ECF No. 24, is GRANTED. The deadline for Defendant Guerrero to respond to the Complaint shall be February 23, 2023.

IT IS SO ORDERED.

Dated: October 31, 2022



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE